

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALFRED HILL SMITH,

Petitioner,

v.

Case No: 03-10121-BC
Honorable David M. Lawson

DAVID JAMROG,

Respondent.

_____ /

ORDER DISMISSING PETITION AS MOOT

On March 20, 2006, the respondent filed a notice indicating the petitioner in this case, Alfred Smith, passed way on July 15, 2004. The respondent also submitted a copy of the death certificate. The death of the petitioner renders a habeas action moot. *See Dove v. United States*, 423 U.S. 325 (1976) (per curiam) (dismissing certiorari petition because petitioner had died). Therefore, this case will be dismissed.

Accordingly, it is **ORDERED** that the petition [dkt # 1] is **DISMISSED AS MOOT**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: July 13, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 13, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS